

December 19, 2001



Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex parte* presentation in: Gen Docket No. 00-185

Dear Ms. Salas:

On December 18, 2001, on behalf of Media Access Project's clients Consumers Union, Consumer Federation of America, and the Center for Digital Democracy, I met with Susan Eid, legal advisor to Chairman Powell. I stated that had the Commission had previously defined the nature of Internet over cable and imposed an open access requirement, the bankruptcy of Excite@Home could have been handled far more smoothly. I observed that in the Northpoint bankruptcy, the Commission exercised direct authority over the bankrupt and competing ISPs were available to rescue stranded customers. The FCC's failure even to define the service left the FCC at the mercy of the bankruptcy court, rather than able to exercise its authority.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Harold Feld
Associate Director

cc: Susan Eid